

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

1 CHIBUEZE C. ANAEME, )  
2 )  
3 Plaintiff, ) 2:12-cv-01274-MMD -VCF  
4 )  
5 v. ) **REPORT & RECOMMENDATION**  
6 ) **BARRING FUTURE FILINGS AND**  
7 ) **DISMISSAL OF CLAIMS**  
8 UNITED STATES OF AMERICA, *et al.*, )  
9 ) (Response to Order To Show Cause)  
10 Defendants. )  
11 )  
12 CHIBUEZE C. ANAEME, )  
13 Plaintiff, ) 2:12-cv-01275-MMD -VCF  
14 )  
15 v. ) **REPORT & RECOMMENDATION**  
16 ) **BARRING FUTURE FILINGS AND**  
17 ) **DISMISSAL OF CLAIMS**  
18 UNITED STATES OF AMERICA, *et al.*, )  
19 ) (Response to Order To Show Cause)  
20 Defendants. )  
21 )  
22 CHIBUEZE C. ANAEME, )  
23 Plaintiff, ) 2:12-cv-01277-MMD -VCF  
24 v. ) **REPORT & RECOMMENDATION**  
25 ) **BARRING FUTURE FILINGS AND**  
26 ) **DISMISSAL OF CLAIMS**

1 UNITED STATES OF AMERICA, *et al.*, ) (Response to Order To Show Cause)  
2 Defendants. )  
3 CHIBUEZE C. ANAEME, )  
4 Plaintiff, )  
5 v. )  
6 )  
7 UNITED STATES OF AMERICA, *et al.*, )  
8 Defendants. ) (Response to Order To Show Cause)  
9 )  
10 CHIBUEZE C. ANAEME, )  
11 Plaintiff, )  
12 v. )  
13 )  
14 UNITED STATES OF AMERICA, *et al.*, )  
15 Defendants. ) (Response to Order To Show Cause)  
16 )  
17 CHIBUEZE C. ANAEME, )  
18 Plaintiff, )  
19 v. )  
20 )  
21 UNITED STATES OF AMERICA, *et al.*, )  
22 Defendants. ) (Response to Order To Show Cause)  
23 )  
24 )  
25 )  
26 )

---

## BACKGROUND

Before the court are plaintiff Chibueze C. Anaeme's Responses to the Court's Orders To Show Cause in the Above Captioned Actions.

## **I. Order To Show Cause**

## A. Background

Plaintiff filed fourteen (14) actions in this court since September 28, 2011, some of which are not before the undersigned Magistrate Judge. The allegations in the complaints fall into four (4) categories: (1) transfer of plaintiff's pharmacy license (2:11-cv-01572-PMP -RJJ, 2:11-cv-01573-JCM -PAL, 2:12-cv-01041-MMD-VCF, 2:12-cv-01160-JCM-VCF, 2:12-cv-01162-GMN-VCF, 2:12-cv-01275-MMD -VCF, and 2:12-cv-01276-JCM -VCF), (2) attorneys not returning documents to plaintiff (2:12-cv-01038-GMN -VCF and 2:12-cv-01279-JCM -VCF), (3) a dispute over a storage unit agreement, (2:12-cv-01182-GMN -VCF, 2:12-cv-01277-MMD -VCF, 2:12-cv-01278-GMN -VCF, and 2:12-cv-01280-MMD -VCF), and (4) a dispute arising out of the purchase of a Toyota Sienna (2:12-cv-01274-MMD -VCF). This court denied *in forma pauperis* in two of plaintiff's actions (2:11-cv-01572-PMP -RJJ and 2:12-cv-01162-GMN-VCF) and granted *in forma pauperis* and either recommended dismissal of or dismissed the complaint in two of plaintiff's actions (2:11-cv-01573-JCM -PAL and 2:12-cv-01038-GMN -VCF). The remaining actions have been transferred to the undersigned Magistrate Judge.

## 1. Actions Before This Court

In each of plaintiff's actions before this court, he filed a motion/application to proceed *in forma pauperis*. (#1)<sup>1</sup>. He alleged in all of the motions/applications that he was unable to pay the \$350 filing fees. *Id.* The court held a hearing on plaintiff's motion to proceed *in forma pauperis* in Case No. 2:12-cv-01038-GMN-VCF, and plaintiff represented during the hearing that he is not currently

<sup>1</sup> All docket numbers herein refer to the docket entries for each of the above captioned actions unless stated otherwise.

employed, that he last worked as a pharmacist from October 2007 - December 2007, and that he made \$150 per hour during that time.

Each of the complaints before the undersigned Magistrate Judge are between forty-eight (48) to sixty (60) pages long, name between forty-seven (47) to one-hundred and twenty-one (121) defendants (many of which are the same), and seek relief against other parties that are not named as defendants. (#1-1). The claims are disjointed, repetitive, and exceptionally difficult to follow. *Id.* Not only are the allegations and claims within plaintiff's complaints (#1-1) repetitive, but the actions themselves are duplicative of each other (as evidenced by the categories of topics discussed above) and of actions filed and dismissed in other districts (discussed below).

On September 6, 2012, the undersigned Magistrate Judge entered an order and report and recommendation in each of the actions before this court. (#3, #4<sup>2</sup>, and #5<sup>3</sup>). In the order, the court granted plaintiff's requests to proceed *in forma pauperis* pursuant to § 1915(a). *Id.* Upon screening the complaint, the court found that this court is not the proper venue based on both the residency of the defendants under 28 U.S.C. § 1391(b)(1) and where a substantial amount of the events or omissions occurred under 28 U.S.C. § 1391(b)(2). *Id.* The court found that after reviewing "plaintiff's complaints (#1 and history as a litigant in Federal Court," transferring these actions to a federal district where venue is proper is not "in the interest of justice." *Id.*; See 28 U.S.C. § 1404(a).

The court held that, on or before October 10, 2012, plaintiff must “show cause why the United States District Court for the District of Nevada should not enjoin plaintiff...from filing any future *pro se* actions in this district and should not DISMISS his complaints.” *Id.* The court stated that failure to file a response would result in a report and recommendation recommending that “the court enter an order dismissing the above captioned actions with prejudice and enjoining plaintiff from filing in this

<sup>2</sup>Case Nos. 12-cv-01274-MMD-VCF and 12-cv-01276-JCM-VCF

<sup>3</sup>Case No. 12-cv-01182-GMN-VCF

1 district.” *Id.* On September 14, 2012, plaintiff filed responses to the order to show cause. (#4, #5<sup>4</sup>, and  
 2 #6<sup>5</sup>). Plaintiff’s responses are as follows:

3 The complaint as filed by plaintiff *pro se* in aforerecited (sic) cause is  
 4 proper.

5 The aforementioned cause of action was thoroughly and/or extensively  
 6 investigated by plaintiff over several years prior to initiation of the  
 7 corresponding litigation.

8 The gravamen of the court assertions against plaintiff allegations and  
 9 claims in said cause is grounded on the fact that this court lacks proper  
 10 judicial notice, proper case knowledge and focus as pertains to said  
 11 cause and similarly of any other previous cause of action related to  
 12 plaintiff in any other court, to which it alluded to in its aforerecited (sic)  
 13 applicable order dated September 6, 2012, namely, USDC District of  
 14 Colorado Case No.1:12-CV-00460-LTB, USDC Southern District of  
 15 California Case No.3:11-CV-1906-JAH-WVG, USDC Southern District  
 16 of California Case No.3:11-CV-I808-JAH-BLM ,USDC Southern  
 17 District of California Case No.3:11-CV- 1605-LAB-MDD and USDC  
 18 District of New Mexico cause of action (No case no(s).listed).

19 *Id.* Each of plaintiff’s responses are identical, with the exception of the response filed in Case No. 12-  
 20 cv-01041-MMD-VCF, which does not include the second paragraph. *Id.*

21 **2. Plaintiff’s Filing History In Other Districts**

22 In 2011, plaintiff filed three actions in the District of Southern California (3:11-cv-1906-JAH-  
 23 WVG, 3:11-cv-1808-JAH-BLM, and 3:11-cv-1605-LAB-MDD) naming several of the same defendants  
 24 named in the actions before this court. All three of plaintiff’s complaints in California were dismissed  
 25 *sua sponte*. Case Nos. 2:12-cv-01038-GMN -VCF and 2:12-cv-01279-JCM -VCF filed in this court  
 26 are nearly identical to an action plaintiff filed in the United States District Court for the District of  
 Colorado on February 22, 2012 (Case No. 1:12-cv-00460-LTB) (hereinafter the “Colorado Action”).  
 In the Colorado Action, plaintiff asserted that attorneys who represented him in the State of New

---

27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525  
 526  
 527  
 528  
 529  
 530  
 531  
 532  
 533  
 534  
 535  
 536  
 537  
 538  
 539  
 540  
 541  
 542  
 543  
 544  
 545  
 546  
 547  
 548  
 549  
 550  
 551  
 552  
 553  
 554  
 555  
 556  
 557  
 558  
 559  
 560  
 561  
 562  
 563  
 564  
 565  
 566  
 567  
 568  
 569  
 570  
 571  
 572  
 573  
 574  
 575  
 576  
 577  
 578  
 579  
 580  
 581  
 582  
 583  
 584  
 585  
 586  
 587  
 588  
 589  
 590  
 591  
 592  
 593  
 594  
 595  
 596  
 597  
 598  
 599  
 600  
 601  
 602  
 603  
 604  
 605  
 606  
 607  
 608  
 609  
 610  
 611  
 612  
 613  
 614  
 615  
 616  
 617  
 618  
 619  
 620  
 621  
 622  
 623  
 624  
 625  
 626  
 627  
 628  
 629  
 630  
 631  
 632  
 633  
 634  
 635  
 636  
 637  
 638  
 639  
 640  
 641  
 642  
 643  
 644  
 645  
 646  
 647  
 648  
 649  
 650  
 651  
 652  
 653  
 654  
 655  
 656  
 657  
 658  
 659  
 660  
 661  
 662  
 663  
 664  
 665  
 666  
 667  
 668  
 669  
 670  
 671  
 672  
 673  
 674  
 675  
 676  
 677  
 678  
 679  
 680  
 681  
 682  
 683  
 684  
 685  
 686  
 687  
 688  
 689  
 690  
 691  
 692  
 693  
 694  
 695  
 696  
 697  
 698  
 699  
 700  
 701  
 702  
 703  
 704  
 705  
 706  
 707  
 708  
 709  
 710  
 711  
 712  
 713  
 714  
 715  
 716  
 717  
 718  
 719  
 720  
 721  
 722  
 723  
 724  
 725  
 726  
 727  
 728  
 729  
 730  
 731  
 732  
 733  
 734  
 735  
 736  
 737  
 738  
 739  
 740  
 741  
 742  
 743  
 744  
 745  
 746  
 747  
 748  
 749  
 750  
 751  
 752  
 753  
 754  
 755  
 756  
 757  
 758  
 759  
 760  
 761  
 762  
 763  
 764  
 765  
 766  
 767  
 768  
 769  
 770  
 771  
 772  
 773  
 774  
 775  
 776  
 777  
 778  
 779  
 780  
 781  
 782  
 783  
 784  
 785  
 786  
 787  
 788  
 789  
 790  
 791  
 792  
 793  
 794  
 795  
 796  
 797  
 798  
 799  
 800  
 801  
 802  
 803  
 804  
 805  
 806  
 807  
 808  
 809  
 810  
 811  
 812  
 813  
 814  
 815  
 816  
 817  
 818  
 819  
 820  
 821  
 822  
 823  
 824  
 825  
 826  
 827  
 828  
 829  
 830  
 831  
 832  
 833  
 834  
 835  
 836  
 837  
 838  
 839  
 840  
 841  
 842  
 843  
 844  
 845  
 846  
 847  
 848  
 849  
 850  
 851  
 852  
 853  
 854  
 855  
 856  
 857  
 858  
 859  
 860  
 861  
 862  
 863  
 864  
 865  
 866  
 867  
 868  
 869  
 870  
 871  
 872  
 873  
 874  
 875  
 876  
 877  
 878  
 879  
 880  
 881  
 882  
 883  
 884  
 885  
 886  
 887  
 888  
 889  
 890  
 891  
 892  
 893  
 894  
 895  
 896  
 897  
 898  
 899  
 900  
 901  
 902  
 903  
 904  
 905  
 906  
 907  
 908  
 909  
 910  
 911  
 912  
 913  
 914  
 915  
 916  
 917  
 918  
 919  
 920  
 921  
 922  
 923  
 924  
 925  
 926  
 927  
 928  
 929  
 930  
 931  
 932  
 933  
 934  
 935  
 936  
 937  
 938  
 939  
 940  
 941  
 942  
 943  
 944  
 945  
 946  
 947  
 948  
 949  
 950  
 951  
 952  
 953  
 954  
 955  
 956  
 957  
 958  
 959  
 960  
 961  
 962  
 963  
 964  
 965  
 966  
 967  
 968  
 969  
 970  
 971  
 972  
 973  
 974  
 975  
 976  
 977  
 978  
 979  
 980  
 981  
 982  
 983  
 984  
 985  
 986  
 987  
 988  
 989  
 990  
 991  
 992  
 993  
 994  
 995  
 996  
 997  
 998  
 999  
 1000  
 1001  
 1002  
 1003  
 1004  
 1005  
 1006  
 1007  
 1008  
 1009  
 10010  
 10011  
 10012  
 10013  
 10014  
 10015  
 10016  
 10017  
 10018  
 10019  
 10020  
 10021  
 10022  
 10023  
 10024  
 10025  
 10026  
 10027  
 10028  
 10029  
 10030  
 10031  
 10032  
 10033  
 10034  
 10035  
 10036  
 10037  
 10038  
 10039  
 10040  
 10041  
 10042  
 10043  
 10044  
 10045  
 10046  
 10047  
 10048  
 10049  
 10050  
 10051  
 10052  
 10053  
 10054  
 10055  
 10056  
 10057  
 10058  
 10059  
 10060  
 10061  
 10062  
 10063  
 10064  
 10065  
 10066  
 10067  
 10068  
 10069  
 10070  
 10071  
 10072  
 10073  
 10074  
 10075  
 10076  
 10077  
 10078  
 10079  
 10080  
 10081  
 10082  
 10083  
 10084  
 10085  
 10086  
 10087  
 10088  
 10089  
 10090  
 10091  
 10092  
 10093  
 10094  
 10095  
 10096  
 10097  
 10098  
 10099  
 100100  
 100101  
 100102  
 100103  
 100104  
 100105  
 100106  
 100107  
 100108  
 100109  
 100110  
 100111  
 100112  
 100113  
 100114  
 100115  
 100116  
 100117  
 100118  
 100119  
 100120  
 100121  
 100122  
 100123  
 100124  
 100125  
 100126  
 100127  
 100128  
 100129  
 100130  
 100131  
 100132  
 100133  
 100134  
 100135  
 100136  
 100137  
 100138  
 100139  
 100140  
 100141  
 100142  
 100143  
 100144  
 100145  
 100146  
 100147  
 100148  
 100149  
 100150  
 100151  
 100152  
 100153  
 100154  
 100155  
 100156  
 100157  
 100158  
 100159  
 100160  
 100161  
 100162  
 100163  
 100164  
 100165  
 100166  
 100167  
 100168  
 100169  
 100170  
 100171  
 100172  
 100173  
 100174  
 100175  
 100176  
 100177  
 100178  
 100179  
 100180  
 100181  
 100182  
 100183  
 100184  
 100185  
 100186  
 100187  
 100188  
 100189  
 100190  
 100191  
 100192  
 100193  
 100194  
 100195  
 100196  
 100197  
 100198  
 100199  
 100200  
 100201  
 100202  
 100203  
 100204  
 100205  
 100206  
 100207  
 100208  
 100209  
 100210  
 100211  
 100212  
 100213  
 100214  
 100215  
 100216  
 100217  
 100218  
 100219  
 100220  
 100221  
 100222  
 100223  
 100224  
 100225  
 100226  
 100227  
 100228  
 100229  
 100230  
 100231  
 100232  
 100233  
 100234  
 100235  
 100236  
 100237  
 100238  
 100239  
 100240  
 100241  
 100242  
 100243  
 100244  
 100245  
 100246  
 100247  
 100248  
 100249  
 100250  
 100251  
 100252  
 100253  
 100254  
 100255  
 100256  
 100257  
 100258  
 100259  
 100260  
 100261  
 100262  
 100263  
 100264  
 100265  
 100266  
 100267  
 100268  
 100269  
 100270  
 100271  
 100272  
 100273  
 100274  
 100275  
 100276  
 100277  
 100278  
 100279  
 100280  
 100281  
 100282  
 100283  
 100284  
 100285  
 100286  
 100287  
 100288  
 100289  
 100290  
 100291  
 100292  
 100293  
 100294  
 100295  
 100296  
 100297  
 100298  
 100299  
 100300  
 100301  
 100302  
 100303  
 100304  
 100305  
 100306  
 100307  
 100308  
 100309  
 100310  
 100311  
 100312  
 100313  
 100314  
 100315  
 100316  
 100317  
 100318  
 100319  
 100320  
 100321  
 100322  
 100323  
 100324  
 100325  
 100326  
 100327  
 100328  
 100329  
 100330  
 100331  
 100332  
 100333  
 100334  
 100335  
 100336  
 100337  
 100338  
 100339  
 100340  
 100341  
 100342  
 100343  
 100344  
 100345  
 100346  
 100347  
 100348  
 100349  
 100350  
 100351  
 100352  
 100353  
 100354  
 100355  
 100356  
 100357  
 100358  
 100359  
 100360  
 100361  
 100362  
 100363  
 100364  
 100365  
 100366  
 100367  
 100368  
 1003

Mexico refused to return his files to him. (#9)<sup>6</sup>. Upon a review of the plaintiff's complaint, the court in the Colorado Action dismissed the action for lack of proper venue and ordered plaintiff to show cause why he should not be enjoined from filing any future vexatious and frivolous papers in the District of Colorado. *Id.* The court found that transferring the action was inappropriate due to the nature of the complaint before the court and plaintiff's filing history. *Id.*

The court found that plaintiff's complaint could not survive because it (1) was ninety-two pages long, (2) was filled with "disjointed and repetitive" claims, (3) listed over 200 individuals in the complaint and only named five as defendants, (4) was incomprehensible, and (5) did not satisfy jurisdictional requirements. *Id.* The court in the Colorado Action also addressed plaintiff's ability to file actions in that district. *Id.* The court noted that based on the docket from the United States District of New Mexico, plaintiff is "conditionally barred from initiating *pro se* lawsuits in the State of New Mexico without prior approval from the court or representation by a licensed New Mexico attorney..." *Id.* In barring plaintiff, the New Mexico court found that, prior to 2005, plaintiff filed fifteen (15) actions in the District of New Mexico against various private individuals and governmental entities, with another four (4) actions being removed to the District of New Mexico. *Id.* Many of plaintiff's actions that were filed or removed to the New Mexico court named the same entities and individuals, alleged the same claims for relief, and were based on the same factual allegations. *Id.* The New Mexico court attached an appendix to its order enjoining plaintiff, which described plaintiff's history of "frivolous and vexatious" litigation. *Id.* The Colorado court attached the appendix to its order. *Id.*

The Colorado court gave plaintiff thirty (30) days to show cause why he should not be enjoined from future filings. *Id.* On April 16, 2012, plaintiff filed his response to the order to show cause. (#11). On April 30, 2012, the court issued an order imposing filing restrictions on plaintiff. (#12). The Colorado court stated that nothing plaintiff asserted in his response (#11) “shows good cause why the [c]ourt should not subject him to filing restrictions.” *Id.*

<sup>6</sup> Docket numbers in this section refer to the docket in the Colorado Action (Case No. 1:12-cv-00460-LTB).

## **B. Dismissal of Claims**

## 1. Relevant Law

Pursuant to 28 U.S.C. § 1915(e)(2)(B), a district court “shall dismiss the case at any time if the court determines that . . . the action . . . (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). The term “frivolous” when applied to a complaint embraces not only the inarguable legal conclusion but also the fanciful factual allegation. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). While an *in forma pauperis* complaint may not be dismissed simply because the court finds the plaintiff’s allegations unlikely, a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

## 2. Screening Plaintiff's Complaints

As discussed above, each of plaintiff's complaints (#1-1) are duplicative of each other and contain repetitive language, making them difficult to comprehend. As the complaints are so lengthy, the court will not address each allegation therein, but will provide examples of the nature of plaintiff's claims.

Plaintiff's complaint in Case No. 2:12-cv-01041-MMD -VCF is forty-eight pages long and names thirty-three (33) different defendants, including several individuals, the San Diego Police Department, the California State Police, and the State of California. (#1-1). In pages 4-29, plaintiff names numerous additional individuals not named in the caption and provides the court with a description of each. *Id.* Beginning under the title "Parties" on page 30, and ending on page 35, plaintiff names more individuals and groups them into "clusters" based on their alleged participation. *Id.*<sup>7</sup>

<sup>7</sup> The manner in which plaintiff names individuals/defendants described in the two previous sentences is common practice for plaintiff and is found in all of plaintiff's complaints (#1-1)

1 Plaintiff alleges that several clusters engaged in malicious falsehood and, that as a result,  
 2 plaintiff suffered loss of enjoyment of life, loss of income, loss of property, libel, defamation, slander,  
 3 damage to property, obstruction of justice, evidence tampering, denial of due process, loss of  
 4 consortium, denial of proper medical care to name a few in violation" of codes of evidence, immigration  
 5 laws, ABA Model Rules, etc. *Id.* Plaintiff makes similar blanket claims against the other "clusters,"  
 6 listing wrongs done against him, but does not provide any factual allegations supporting these claims.

7 *Id.*

8 In Case No. 2:12-cv-01160-JCM -VCF, plaintiff names, lists, and re-lists individuals in the same  
 9 fashion described above, and, of his sixty (60) page complaint, the first (30) thirty pages consist of these  
 10 lists. (#1-1). Plaintiff makes some of the same statements as discussed above, and asserts that several  
 11 of the "clusters" "failed to exercise their responsibility and/or moral obligation to protect public health,  
 12 safety and welfare and were engaged in and/or aided and abetted, fraudulent inherent and patently  
 13 irresponsible discriminatory, frivolous, reckless, abusive and malicious acts as aforedescribed (sic) in  
 14 violation of" Oregon Administrative Rules, Local Rules, ABA Model Rules, etc. *Id.* Once again, there  
 15 are no coherent factual allegations against any of the clusters, and only these lists of wrongdoing. *Id.*

16 In Case No. 2:12-cv-01182-GMN -VCF, plaintiff's list of defendants spreads from page one to  
 17 page 34. (#1-1). Defendants include bus drivers (John Doe Hispanic male driver, John Doe white male  
 18 driver, Jane Doe white female driver, and Jane Doe black female driver), emergency room physicians,  
 19 employees of Heritage Security Services, Transit System Security, and Fort Heritage Courier Service,  
 20 forensic psychiatry staff, the Highway Patrol, Board of Commissioners San Diego Unified Port District,  
 21 and San Diego Ethics Commissioners. *Id.* Plaintiff's allegations relate to a storage unit he rented. *Id.*  
 22 Plaintiff asserts that he has been injured by several "clusters," and claims, to list a few, "malicious  
 23 falsehood, loss of enjoyment of life, loss of income, loss of property, obstruction of justice, assault and  
 24 battery, law enforcement misconduct, retaliation, law enforcement crime, defamation, slander, damage  
 25 to property, denial of due process, los of consortium, denial of proper medical care..." in violation of

1 the Evidence Code, Evidence Rule, International Immigration Laws, Law Enforcement Code of Ethics,  
 2 American Medical Association Code of Ethics, etc. *Id.*

3 In Case No. 2:12-cv-01274-MMD -VCF, plaintiff names as defendants several individuals,  
 4 numerous Toyota dealerships, Chevrolet dealerships, Ford dealerships, Scion dealerships, Jeep  
 5 dealerships, Dodge dealerships, Honda dealerships, Hyundai dealerships, Lexus dealerships, Nissan  
 6 dealerships, Subaru dealerships, Volkswagen dealerships, and Mercedes Benz dealerships, throughout  
 7 Utah, New Mexico, Idaho, Arizona, Oregon, Washington, and Colorado, MegaPlex Theaters, KFAN  
 8 Radio, All-Star Catering, Energy Solutions Arena, Utah Jazz Store, Fanzz Sports Apparel, and many  
 9 more. (#1-1). The list of defendants and the descriptions begin on page eight (8) and end on page forty-  
 10 eight (48). *Id.* Plaintiff asserts that he purchased a new 2007 Toyota Sienna from a dealership in New  
 11 Mexico and that at some point it was “wrongfully towed and impounded.” *Id.* Plaintiff alleges that  
 12 many “clusters” injured him by “malicious falsehood, loss of enjoyment of life, loss of income, loss of  
 13 property, defamation, evidence tampering, fraud, retaliation, judicial misconduct, **attempted murder**<sup>8</sup>,  
 14 assault and battery, attorney misconduct, damage to property, evidence tampering, theft, fraud, denial  
 15 of due process, loss of consortium, bad faith, wrongful arrest and detention, law enforcement  
 16 misconduct, law enforcement crime, obstruction of justice, denial of proper medical care...” in violation  
 17 of the same codes and rules as in the actions above. *Id* (emphasis added).

18 In Case No. 2:12-cv-01275-MMD -VCF, plaintiff’s list of the defendants begins on page one  
 19 (1) and ends on page thirty-seven (37). (#1-1). The allegations in the complaint relate to plaintiff  
 20 allegedly being denied the transfer of his Pharmaceutic license. *Id.* In addition to the State of  
 21 California, the Office of Attorney General, and the City of San Diego, plaintiff names several  
 22 individuals, the Office of the Public Defender, San Diego Police Department, Heritage Security  
 23 Services, Transit System Security and Fort Heritage Courier Service, several public transportation

---

24  
 25 <sup>8</sup> Plaintiff is advised that criminal allegations such as attempted murder are not proper in a civil complaint. See  
 26 Nevada Revised Statute Chapter 200.

1 companies, attorneys and law clerks from New York, Chicago, Maine, California, and Oregon,  
2 employees of the Office of the Secretary of State, California Highway Patrol, the same bus drivers as  
3 above, and emergency room physicians. *Id.* Plaintiff alleges the same claims as above, such as fraud,  
4 evidence tampering, attempted murder, loss of consortium, and denial of proper medical care. *Id.*

5 In Case No. 2:12-cv-01276-JCM -VCF, plaintiff names, among others, transportation service  
6 companies and their employees, attorneys, officers, and directors for the San Diego Metropolitan  
7 System, several bus drivers for the San Diego Transit System, security officers and employees of  
8 Heritage Security Services, Transit System Security, and Fort Heritage Courier Service, employees of  
9 the Sheriff's office, and several individuals as defendants. (#1-1). The complaint also relates to  
10 plaintiff allegedly being denied the transfer of his Pharmaceutic license. *Id.* The complaint alleges the  
11 same claims as seen in the actions above, such as fraud, evidence tampering, attempted murder, loss of  
12 consortium, and denial of proper medical care. *Id.*

13 In Case No. 2:12-cv-01277-MMD -VCF, plaintiff names, among others, storage companies in  
14 Oregon, the District Attorneys' Office, Board of Commissioners, City of Newport Police, the States of  
15 Oregon and California, the Office of County Counsel, Office of the Public Defender, Heritage Security  
16 Services, Transit System Security and Fort Heritage Courier Service, San Diego Vintage Trolley, Inc,  
17 and several individuals. (#1-1). The allegations in the complaint relate to a storage unit that he was  
18 denied access to. *Id.* Plaintiff states that several defendant "clusters" injured plaintiff by hindering,  
19 obstructing and sabotaging plaintiff's efforts to timely and properly investigate and/or litigate his  
20 severally (sic) applicable cases." *Id.* Plaintiff also makes the same claims as above that the defendant  
21 "clusters" engaged in malicious falsehood causing "loss of enjoyment of life, loss of consortium, libel,  
22 defamation, slander...attempted murder" etc. *Id.*

23 In Case No. 2:12-cv-01278-GMN -VCF, plaintiff lists the defendants in the first thirty-seven  
24 (37) pages of his complaint as including, among others, the United States of America, public storage  
25 facilities, police departments, offices of the Public Defender and City Attorney in San Diego, Heritage

1 Security Services, Transit System Security, and Fort Heritage Courier Service, San Diego Vintage  
2 Trolley. (#1-1). Plaintiff's claims relate to the rental of a storage unit in Georgia and the subsequent  
3 denial of access to the unit. *Id.* Plaintiff states that the defendant "clusters" caused damages to him  
4 by "hindering, obstructing and sabotaging plaintiff's efforts to timely and properly investigate and/or  
5 litigate his severally (sic) applicable cases" and by engaging in "malicious falsehood." *Id.* Plaintiff  
6 asserts the same list of claims for loss of enjoyment of life, loss of consortium, libel, attempted murder,  
7 etc. that he asserted in the previous actions. *Id.*

8 In Case No. 2:12-cv-01279-JCM -VCF, plaintiff names, among others, the United States of  
9 America, FedEx Corporation, International, Freight East, and Kinko's Office and Print Services,  
10 Efficient Workflow Solutions, LLC, State Of California, Office of the Public Defender, San Diego  
11 County, California, Office of the City Attorney, City of San Diego, California, County of San Diego  
12 Health and Human Services Agency, (HHS) Forensic Services Unit, San Diego, California, Heritage  
13 Security Services, Transit System Security, and Fort Heritage Courier Service, San Diego Vintage  
14 Trolley, Inc., and San Diego Metropolitan Transit System (SDMTS). (#1-1). The allegations relate to  
15 a situation where plaintiff contacted attorneys to represent him in "two potential legal malpractice  
16 litigation[s]" and sent them his case files. *Id.* Plaintiff states that defendant "clusters" adversely  
17 effected plaintiff by "hindering, obstructing and sabotaging plaintiff's efforts to timely and properly  
18 investigate and/or litigate his severally (sic) applicable cases." *Id.* Plaintiff asserts the same list of  
19 claims for fraud, theft of property, loss of enjoyment of life, loss of consortium, libel, attempted murder,  
20 etc. that he asserted in the previous actions. *Id.*

21 In Case No. 2:12-cv-01280-MMD -VCF, plaintiff names, among others, storage facilities in  
22 Texas and other states, the United States of America, several different Kennedy-Wilson companies,  
23 several different Behringer Harvard Companies, City of El Paso Police Department, City of San Diego,  
24 California, County of San Diego Health and Human Services Agency, (HHS) Forensic Services Unit,  
25 San Diego, California, Heritage Security Services, Transit System Security, and Fort Heritage Courier

1 Service, several Veolia companies, San Diego and Arizona Eastern (SD and AE) Railway Company,  
 2 and North County Transit District. (#1-1). Plaintiff asserts the same claims as above for fraud, theft  
 3 of property, loss of enjoyment of life, loss of consortium, libel, attempted murder, bad faith, wrongful  
 4 arrest and detention, denial of proper medical care, etc. *Id.* This complaint also relates to a storage unit  
 5 plaintiff acquired and was subsequently denied access to. *Id.*

6 **3. Discussion**

7 “Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim  
 8 showing that the pleader is entitled to relief,” in order to “give the defendant fair notice of what the ...  
 9 claim is and the grounds upon which it rests.” *Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99, 2  
 10 L.Ed.2d 80. “[A] plaintiff’s obligation to provide the “grounds” of his “entitle[ment] to relief” requires  
 11 more than labels and conclusions, and a formulaic recitation of a cause of action’s elements will not do.”  
 12 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545, 127 S. Ct. 1955, 1959, 167 L. Ed. 2d 929 (2007).  
 13 “Factual allegations must be enough to raise a right to relief above the speculative level on the  
 14 assumption that all of the complaint’s allegations are true.” *Id.*

15 As demonstrated above, plaintiff’s complaints (#1-1) do nothing more than name individuals,  
 16 States, and companies, and make conclusory statements and allegations. *Id.* Plaintiff has not put any  
 17 of the defendants on notice of the “grounds of his entitlement to relief.” *Id.* Many of the claims  
 18 throughout the complaints (#1-1) are identical to those contained in other complaints, and it appears that  
 19 plaintiff copy and pasted claims without regard for the nature of the suit. Plaintiff also asserts very  
 20 serious criminal claims which are not proper here, such as attempted murder, against defendant  
 21 “clusters,” in an actions where the complaint relates to a car being towed or to a Pharmaceutical license  
 22 transfer. (#1-1). Plaintiff names an overwhelming number of defendants in each complaint, many of  
 23 which have nothing to do with the claims and/or are exact replicas of those named in other complaints,  
 24 in the same copy and paste style as seen with his claims. *Id.*

25 The court should dismiss plaintiff’s claims under 28 U.S.C. § 1915(e)(2)(B), as his complaints  
 26

(#1-1) are frivolous and fail to state a claim upon which relief may be granted. The court should also dismiss his claims for fraud, as he fails to meet the heightened pleading standard of Rule 9(b). *See Fed. R. Civ. P. 9(b)* (“In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake.”). As plaintiff also impermissibly groups defendants together in “clusters” and does not differentiate his allegations, the complaints should be dismissed. *See Destfino v. Reiswig*, 630 F.3d 952, 958 (9th Cir. 2011) (Rule 9(b) “does not allow a complaint to . . . lump multiple defendants together;” instead, it requires the plaintiff “to differentiate [its] allegations when suing more than one defendant”) (citation omitted); *see also United States v. Corinthian Colleges*, 655 F.3d 984, 998 (9th Cir. 2011) (“The Complaint . . . simply attributes wholesale all of the allegations against Corinthian to the Individual Defendants. Rule 9(b) undoubtedly requires more.”).

### C. Vexatious Litigant

#### 1. Requirements for Vexatious Litigant Order

The All Writs Act, 28 U.S.C. § 1651(a), empowers federal district courts to enjoin vexatious litigants who have a history of abusing the court’s limited resources. *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (citing *Tripathi v. Beaman*, 878 F.2d 351, 352 (10th Cir. 1989)). Under the All Writs Act, a district court can order a person with lengthy histories of abusive litigation—a vexatious litigant—to obtain leave of the court before filing any future lawsuits. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007).

“Flagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.” *DeLong*, 912 F.2d at 1148. However, the Ninth Circuit has cautioned the district courts by recognizing that vexatious litigant orders are an extreme remedy, and should rarely be entered. *De Long*, 912 F.2d at 1148 (citing *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523-26 (9th Cir. 1984)). This is because such an order restricts access to the courts—the litigant’s “final safeguard for vitally important constitutional rights.” *Wood*, 705 F.2d at 1525. “An injunction

1 cannot issue merely upon a showing of litigiousness. The plaintiff's claims must not only be numerous,  
 2 but also be patently without merit." *Moy v. U.S.*, 906 F.2d 467, 470 (9th Cir. 1990) (citing *In re Oliver*,  
 3 682 F.2d 443, 446 (3d Cir. 1982)).

4 In deciding whether or not to restrict a litigant's access to the courts, "[u]ltimately, the question  
 5 the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue  
 6 to abuse the judicial process and harass other parties." *Molski v. Mandarin Touch Rest.*, 347 F.Supp.2d  
 7 860, 863–64 (C.D. Cal. 2004) (quoting *Safir v. United States Lines, Inc.*, 792 F.2d 19, 23 (2nd Cir.  
 8 1986)). In doing so, the court should examine five factors: (1) the litigant's history of litigation and in  
 9 particular whether it entailed vexatious, harassing, or duplicative lawsuits; (2) the litigant's motive in  
 10 pursuing the litigation, *e.g.*, does the litigant have an objective good faith expectation of prevailing?;  
 11 (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense  
 12 to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether  
 13 other sanctions would be adequate to protect the courts and other parties. *Id.* at 864.

14 **2. Discussion**

15 Upon examining the five factors, the court finds that the plaintiff "is likely to continue to abuse  
 16 the judicial process and harass other parties," and must be deemed vexatious. *Molski*, 347 F.Supp.2d  
 17 at 863–64. As discussed above, plaintiff has a history of filing lawsuits relating to the same allegations  
 18 and claims and against an overwhelming amount of defendants. Plaintiff continues to file lengthy  
 19 complaints (#1-1) in districts that do not have any relation to the allegations after the same allegations  
 20 have been dismissed by other courts. The first factor, plaintiff's litigation history, supports restricting  
 21 plaintiff's access to the court. *Id.*

22 While plaintiff may subjectively believe he will prevail, plaintiff cannot have an objective good  
 23 faith expectation of prevailing. Plaintiff did not amend his complaints (#1-1) to state a claim that the  
 24 court could comprehend and upon which relief could be granted, even after this court gave him the  
 25 opportunity to do so and other courts already dismissed very similar, if not identical, complaints. In

1 plaintiff's responses (#4, #5<sup>9</sup>, and #6<sup>10</sup>) to the orders to show cause (#3, #4<sup>11</sup>, and #5<sup>12</sup>), he did not  
 2 attempt to cure the deficiencies pointed out by the court, and only stated that he investigated his claims.  
 3 Plaintiff also names defendants in his complaints (#1-1) that have no relation to the underlying  
 4 allegations. Several defendants are named in every complaint, and it appears that plaintiff simply copies  
 5 and pastes the defendants into each complaint without regard to whether the defendants were even in  
 6 the same state where the harm allegedly occurred. A reasonable person would not believe that they had  
 7 an expectation of prevailing against defendants that were improperly named and on complaints that have  
 8 been previously dismissed for failure to state a claim. Plaintiff's motive, when looked at objectively,  
 9 supports a finding that plaintiff is a vexatious litigant. *Id.* The second factor weighs in favor of  
 10 restricting plaintiff's access to the court. *Id.* As plaintiff is not represented by counsel, the third factor  
 11 weighs in favor as well. *Id.*

12 With regard to whether plaintiff has caused "needless expense to other parties or has posed an  
 13 unnecessary burden on the courts," the court has sustained most of this burden. *Id.* This court has  
 14 screened plaintiff's many complaints (#1-1), dismissed frivolous claims, and/or ordered plaintiff to  
 15 show cause why the complaints should not be dismissed *prior* to the defendants being served and forced  
 16 to respond. This process, however, is a long and tedious one, as plaintiff's claims are often repetitive,  
 17 disjunctive, and hard to comprehend. The fourth factor weighs in favor of restricting plaintiff's access.  
 18 *Id.* The court finds that sanctions would not be appropriate, as plaintiff has already been deemed  
 19 vexatious in other courts, but continues to file the same type of complaints. The undersigned  
 20 recommends restricting plaintiff's access to this court. *Id.*

21 **3. Enjoining Vexatious Litigant**

---

22 <sup>9</sup>Case Nos. 12-cv-01274-MMD-VCF and 12-cv-01276-JCM-VCF

23 <sup>10</sup>Case No. 12-cv-01182-GMN-VCF

24 <sup>11</sup>Case Nos. 12-cv-01274-MMD-VCF and 12-cv-01276-JCM-VCF

25 <sup>12</sup>Case No. 12-cv-01182-GMN-VCF

If a litigant is deemed vexatious, he/she will be enjoined from filing any further action or papers in this district without first obtaining leave of the Chief Judge of this court. In order to file any papers, the vexatious litigant must first file an application for leave. The application must be supported by a declaration of plaintiff stating: (1) that the matters asserted in the new complaint or papers have never been raised and disposed of on the merits by *any court*; (2) that the claim or claims are not frivolous or made in bad faith; and (3) that he has conducted a reasonable investigation of the facts and investigation supports his claim or claims. A copy of the order deeming the litigant vexatious must be attached to any application. Failure to fully comply will be sufficient grounds for denial of the application. *De Long v. Hennessey*, 912 F.2d 1144, 1146–47 (9th Cir. 1990).

#### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that:

- 13 (1) Plaintiff Chibueze C. Anaeme's complaints (#1-1) in the above captioned cases be  
14 DISMISSED;
- 15 (2) Plaintiff Chibueze C. Anaeme be deemed a vexatious litigant pursuant to 28 U.S.C. §  
16 1651(a); and
- 17 (3) the court enter an order stating that if plaintiff Chibueze C. Anaeme intends to file any papers  
18 with the court he must first seek leave of the Chief Judge of this court in accordance with the  
19 procedure outlined above.

#### **NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and

1 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual  
2 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt*  
3 *v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED this 9th day of November, 2012.



5  
6 **CAM FERENBACH**  
7 **UNITED STATES MAGISTRATE JUDGE**

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26